

### Remarks/Arguments

Claims 1-3, 5-11, 16-20, 26, 27, 29-33, 36-40 and 43-58 are and will continue to be pending in this application upon entry of this response. No additional fee is due at this time.

The Examiner has rejected claims 1-3, 5, 6, 8-11, 16-20, 26, 27, 29, 30, 32, 33, 36-39, 43, and 44 under 35 U.S.C. § 103(a) as being obvious in view published U.S. Patent Application 2003/0224823 to Hurst et al. ("Hurst") in combination with published U.S. Patent Application 2002/0162016 to Colvin. For a proper rejection based on Section 103(a), the prior art reference (or references when combined) must teach or suggest all the claim limitations. M.P.E.P. § 2143. All of these claims, either directly or through dependency, currently recite sending a registration message, "while allowing use of the licensed software package without requiring permission so that the registering of the licensed software package is substantially transparent to the user . . ." Applicants reiterate their arguments with respect to Hurst in this regard. Hurst discloses a system in which *activation*, rather than *registration* is required. Such activation is NOT transparent to the user and requires a response from the server in order to unlock the content. Hurst repeatedly refers to an "attempt" to access the secured content, and further teaches that the user must agree that they wish to use the content. Such a process is clearly not transparent to the user and does not allow use of the content without requiring permission, thus teaching away from Applicants' claimed invention.

In the final office action, the Examiner now looks to Colvin for the teaching of the concept described above. However, Colvin is no better than Hurst in this regard. Colvin requires a user to enter one authorization code to make software even partially operable. Colvin requires the *user* to contact a "software license compliance representative" for an additional authorization code before being permitted to take full advantage of the software. See for example paragraph [0017] of Colvin. In fact, during initial use of the software in Colvin, *the end user must contact an authorized representative* to obtain the appropriate authorization code or password. See paragraph [0029]. It is difficult to imagine a process that is less transparent and automatic, or that teaches further away from the recitations of Applicants' claims. The Examiner has pointed to language in paragraphs [0031] to [0034] of Colvin that refers to updating passwords or authorization codes automatically and transparently. However, these portions of Colvin are referring to periodic updates of authorization credentials, not the software itself, and

these credentials are updated long after the software has initially been activated. Applicants' claims are specifically directed to a software package being "initially accessed." The teachings of Colvin are not applicable to such a situation.

The Examiner has rejected claims 7, 31, and 40 under 35 U.S.C. § 103(a) as being obvious in view of Hurst in combination with Colvin and in further in combination with U.S. Patent No. 5,148,472 to Freese et al. ("Freese"). These claims are each dependent from one of the claims discussed above. Since the Examiner looks to Hurst in combination with Colvin for the recitations of the base claims, claims 7, 31 and 40 are patentable over the combination of Hurst, Colvin and Freese for at least the same reasons discussed above.

Applicants believe they have responded to the Examiner's concerns, and that the application is in condition for allowance. Entry of this response and reconsideration of this application is hereby requested.

Respectfully submitted,



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